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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CRAIG WILLIAM VOSS,
Plaintiff,
v.
BRIAN BAKER,
Defendant.

No. 1:17-cv-00626-DAD-EPG (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Doc. No. 29)

Plaintiff is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On December 15, 2017, the assigned magistrate judge re-screened plaintiff's complaint, recognizing that a recent Ninth Circuit opinion, *Williams v. King*, 875 F.3d 500 (9th Cir. 2017), had held that a magistrate judge does not have jurisdiction to dismiss claims with prejudice absent the consent of all parties, even if the plaintiff has consented to magistrate judge jurisdiction, as plaintiff had. (Doc. No. 29.) Concurrently, the magistrate judge issued findings and recommendations recommending that all claims, except for plaintiff's claims against defendant Baker for deliberate indifference to serious medical needs in violation of the Eighth Amendment and for retaliation in violation of the First Amendment, be dismissed. (*Id.* at 10.) Plaintiff was provided an opportunity to file objections to the findings and recommendations within fourteen

1 days. On December 26, 2017, Plaintiff filed a statement of non-opposition to the findings and
2 recommendations. (Doc. No. 32).

3 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 304, this
4 court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the
5 undersigned concludes the findings and recommendations are supported by the record and proper
6 analysis.

7 Accordingly:

- 8 1. The findings and recommendations issued December 15, 2017 (Doc. No. 29) are
9 adopted in full;
- 10 2. This action shall continue to proceed only on plaintiff's claim against defendant Baker
11 for deliberate indifference to serious medical needs in violation of the Eighth
12 Amendment, and for retaliation in violation of the First Amendment;
- 13 3. All other claims are dismissed for failure to state a claim upon which relief may be
14 granted; and
- 15 4. This case is referred back to the magistrate judge for further proceedings.

16 IT IS SO ORDERED.

17 Dated: January 19, 2018

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20 UNITED STATES DISTRICT JUDGE